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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,750	06/21/2001	Brandon W. Porter	TLME-01-024	7482
7590 10/04/2004			EXAMINER	
WAGNER, MURABITO & HAO LLP Two North Market Street, Third Floor San Jose, CA 95113			LERNER, MARTIN	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/887,750

**Applicant(s)**

PORTER ET AL.

**Examiner**

Martin Lerner

**Art Unit**

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 to 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 to 13 is/are allowed.
- 6) ☒ Claim(s) 1 to 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/10/03 &amp; 3/15/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

On Page 1, ¶ [0002], the first two sentences should be combined to be one sentence.

On Page 4, ¶ [0008], the last two lines should begin a new sentence at “thus”.

On Page 19, ¶ [0053], “all makes” should be --all make--.

On Page 22, ¶ [0062], insert --by-- after “further”.

On Page 23, ¶ [0064], “than” should be --then--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 to 6, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by *Mayer*.

Regarding independent claims 1 and 10, *Mayer* discloses a method and apparatus for a voice interface with hyperlinked information, comprising:

“determining a current list item corresponding to the list item in the sequence of list items that is either: (a) currently being played back by the computer system; or (b) was the most recent list item already played back by the computer system” – a given HTML document page (for aural presentation to a system user) is analyzed by Hypertext Identification Processor 310 to identify hypertext on the page, and provided to Voiced Translation (TTS) system 210 for conversion to speech by translating text to sequences of phonemes; correlated hypertext and phoneme sequences are presented to a Window Filter 320 which identifies which of the hyperlink word/phrases have been played to the user up to a given time (column 6, line 46 to column 7, line 3: Figure 3);

“exposing within a runtime environment of the declarative markup language a relative time corresponding to an amount of time from the start of playback of the current list item until with the command input was received” – Window Filter 330 selects the most recently played hypertext (“the declarative markup language”) and all preceding hypertext within a certain duration in the past (“a relative time corresponding to an amount of time from the start of playback of the current list item”) (which could be measured in, for example, seconds or words); a conventional Automatic Speech Recognition processor 350 receives unknown speech (“the command input”) from the

user (via Barge-In Filter 220) and operates to recognize the speech as one of the current vocabulary hyperlink words (column 7, lines 3 to 21: Figure 3);

“comparing the relative time to a predetermined time corresponding to an amount of allowed target window overlap” – a sliding window of most recently furnished hyperlinks, the size of the window being defined by a predetermined time interval, is established (column 8, lines 52 to 66: Figure 7: Step 502-1); “an amount of allowed target window overlap” corresponds to the predetermined time interval defining the size of the window as containing a plurality of hyperlinks currently active within the speech recognition vocabulary;

“selecting the applicable list item based on the comparing and the current list item” – upon recognition of a hyperlink word/phrase, an output of the recognizer system is provided for action appropriate to the selected hyperlink word (column 7, lines 24 to 29: Figure 3); a predefined action is carried out by initiating a transaction, performing a transaction, or identifying a second corpus of text based on the recognized hyperlink (column 8, line 66 to column 9, line 3: Figure 7: Step 502-3).

Regarding claims 2 and 3, “a current list item” corresponds to a later hyperlink in a sequence and “a most recent list item already played” corresponds to an earlier hyperlink in a sequence; *Mayer* discloses hyperlinks provided later within the sliding window are weighted so they are more likely to be recognized relative to hyperlinks provided earlier (column 8, lines 58 to 66: Figure 7: Step 502-2); thus, later hyperlinks are recognized as time passes (“the relative time is greater than or equal to the predetermined time”) within a predetermined time interval defined by a sliding window.

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Regarding claims 4 and 6, "a current list item" corresponds to a later hyperlink in a sequence and "a previous list item" corresponds to an earlier hyperlink in a sequence; *Mayer* discloses hyperlinks provided later within the sliding window are weighted so they are more likely to be recognized relative to hyperlinks provided earlier (column 8, lines 58 to 66: Figure 7: Step 502-2); however, earlier hyperlinks are recognized during a time occurring at the beginning of the time ("the relative time is less than or equal to the predetermined time") within a predetermined time interval defined by a sliding window.

Regarding claim 5, *Mayer* discloses hyperlinks provided later within the sliding window are weighted so they are more likely to be recognized relative to hyperlinks provided earlier (column 8, lines 58 to 66: Figure 7: Step 502-2); thus, if the previous list item is a first list item, then the first list item is recognized at a time occurring at the beginning of window.

Regarding claim 9, *Mayer* discloses a predefined action is carried out by initiating a transaction or performing a transaction ("a request to purchase the applicable list item"), as a transaction implies a purchase (column 8, line 66 to column 9, line 3: Figure 7: Step 502-3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mayer* in view of *Ladd et al.*

Concerning claim 7, *Mayer* discloses action words ("the command input") are of the sort: "stop", "back", "start", "slower", "faster", etc. (column 4, lines 40 to 44), but does not specifically disclose words selected from the set "that one", "buy it", "tell me more", "more", "previous", "next", "delete", and "repeat". However, "back" as disclosed by *Mayer* is sufficiently similar to "previous" as claimed so as to be a synonym. Moreover, claiming as "a command selected from the set" requires only one of the enumerated elements of the set to be disclosed by the prior art to make the claim obvious. It would have been obvious to one having ordinary skill in the art to utilize the command input "previous" as claimed because *Mayer* teaches an action word "back", which is synonymous.

Concerning claim 8, *Mayer* discloses HTML pages ("executable program code") for playing hyperlinks ("list items"), but does not expressly disclose markup tags for indicating list items. However, it is well known that HTML utilizes tags to create hyperlinks. *Ladd et al.* teaches a markup language for interactive services, where markup tags identify each markup language element. (Abstract; Column 16, Lines 26 to 38; Figure 6) It would have been obvious to one having ordinary skill in the art to utilize tags to identify hyperlinks as taught by *Ladd et al.* for the hyperlinks in HTML pages of *Mayer* because it is well known that markup tags identify markup language elements in HTML.

***Allowable Subject Matter***

6. Claims 11 to 13 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest a mark semantic for providing a relative offset from a voice command during an aural presentation of a plurality of options. Specifically, a mark semantic is a known element of HTML, but there is no suggest of using a mark semantic for the purpose of providing a relative time offset. *Ladd et al.* discloses a TIMEOUT "value" (column 19, lines 39 to 52; column 20, lines 48 to 65), but does not suggest a mark semantic.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Profit, Jr. et al., Larson, and Mittendorfer et al. disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (703) 308-9064. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

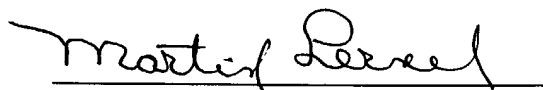


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML  
9/29/04

A handwritten signature in cursive script, reading "Martin Lerner", written over a horizontal line.

Martin Lerner  
Examiner  
Group Art Unit 2654